

In re: LARRY G. VINSON, JR.
HPA Docket No. 99-0024.
Decision and Order filed October 27, 1999.

Brian T. Hill, for Complainant.
Respondent, Pro se.
Decision and Order issued by Edwin S. Bernstein, Administrative Law Judge.

This proceeding was instituted under the Horse Protection Act, as amended (15 U.S.C. § 1821 *et seq.*)(the "Act"), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that the respondents willfully violated the Act.

Copies of the complaint and the Rules of Practice governing proceeding under the Act (7 C.F.R. §§ 1.130-1.151) were sent via certified mail to Larry G. Vinson Jr., return receipt requested, on May 25, 1999. After two failed attempts to deliver the documents on May 30, 1999 and June 11, 1999, the copies sent to Larry G. Vinson Jr. were returned to the office of the Hearing Clerk marked "unclaimed" on June 24, 1999. Pursuant to the Act, 7 C.F.R. § 1.147(c)(1), copies of the Complaint and the Rules of Practice were sent by ordinary mail to Larry G. Vinson Jr. on June 30, 1999. The respondent was informed in the accompanying letter of service that an answer should be filed pursuant to the Rules of Practice and that failure to answer any allegation in the complaint would constitute an admission of that allegation. Respondent Larry G. Vinson Jr. has failed to file an answer within the time prescribed in the Rules of Practice, and the material facts alleged in the complaint, which are admitted by the respondents' failure to file an answer, are adopted and set forth herein as Findings of Fact. This decision and order is issued pursuant to section 1.139 of the Rules of Practice.

Findings of Fact

A. Larry G. Vinson Jr., hereinafter referred to as the respondent, is an individual whose mailing address is 1200 Vanhouser Road, Woodbury, Tennessee 37190.

B. At all times material herein, the respondent owned and trained the horse known as "BK's Shadow Joe" and entered this horse as Entry No. 23, Class No. 44, on September 18, 1998, at the 19th Annual National Spotted Saddle Horse Association World Grand Championship in Murfreesboro, Tennessee.

Conclusions of Law

On September 18, 1998, the respondent, in violation of sections 5(2)(B) and (D) of the Act (15 U.S.C. §§ 1824(2)(B), (D)), entered and allowed the entry for the purpose of showing or exhibiting "BK's Shadow Joe" as Entry No. 23, in Class No.

44, at the 19th Annual National Spotted Saddle Horse Association World Grand Championship in Murfreesboro, Tennessee, while the horse was sore.

Order

1. The respondent is assessed a civil penalty of \$2,000.00, which shall be paid by a certified check or money order made payable to the Treasurer of United States.

2. The respondent is disqualified for an uninterrupted period of one year from showing, exhibiting, or entering any horse, directly or indirectly through any agent, employee, or other device, and from judging, managing or otherwise participating in any horse show, horse exhibition, or horse sale or auction and this disqualification shall continue indefinitely so long as their respective civil penalties described in paragraph 1 above remain unpaid.

3. For purposes of the disqualification described in paragraph 2 above, "participating" means engaging in any activity beyond that of a spectator, and includes, without limitation, transporting or arranging for the transportation of horses to or from equine events, personally giving instructions to exhibitors, being present in the warm-up or inspection areas, or in any area where spectators are not allowed, and financing the participation of others in equine events.

The provisions of this order shall become effective on the first day after this decision becomes final. This decision becomes final without further proceedings 35 days after service as provided in sections 1.142 and 1.145 of the Rules of Practice. Copies of this decision shall be served upon the parties.

[This Decision and Order became final January 14, 2000.-Editor]
